

MESSAGE NO: 8141201 MESSAGE DATE: 05/20/2008

MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 6026208  
MESSAGE #  
(s):

CASE #(s): C-122-815

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2003 TO 12/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQ. INST. FOR PURE MAGNESIUM AND ALLOY MAGNESIUM FROM CANADA  
PRO'D OR EXP'D BY MAGNOLA METALLURGY (SUSPENSION MSG 4299203 & INJ. MSG  
6026208 LIFTED) (C-122-815-003)

MESSAGE NO: 8141201

DATE: 05 20 2008

CATEGORY: CVD

TYPE: LIQ

REFERENCE: 6026208

REFERENCE DATE: 01 26 2006

CASES: C - 122 - 815

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PERIOD COVERED: 01 01 2003 TO 12 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQ. INST. FOR PURE MAGNESIUM AND ALLOY MAGNESIUM FROM  
CANADA PRO'D OR EXP'D BY MAGNOLA METALLURGY (SUSPENSION  
MSG 4299203 & INJ. MSG 6026208 LIFTED) (C-122-815-003)

1. ON NOVEMBER 20, 2007, THE COURT OF APPEALS FOR THE FEDERAL  
CIRCUIT ISSUED A FINAL DECISION IN THE CASE OF MAGNOLA  
METALLURGY, INC. V. UNITED STATES AND U.S. MAGNESIUM LLC  
(2007-1099). ALSO, ON DECEMBER 19, 2006, THE NAFTA SECRETARIAT  
PUBLISHED IN THE FEDERAL REGISTER A NOTICE OF COMPLETION OF  
PANEL REVIEW OF THE FINAL REMAND DETERMINATION MADE BY THE  
INTERNATIONAL TRADE COMMISSION CONCERNING THE FULL SUNSET  
REVIEW OF THE COUNTERVAILING DUTY ORDERS ON PURE MAGNESIUM AND

ALLOY MAGNESIUM FROM CANADA (71 FR 75940). AS A RESULT OF THESE ACTIONS, THE INJUNCTION TO WHICH MESSAGE NO. 6026208 (DATED 01/26/2006) REFERS ENJOINING LIQUIDATION OF ENTRIES IS DISSOLVED AND THE SUSPENSION OF LIQUIDATION TO WHICH MESSAGE NO. 4299203 (DATED 10/25/2004) REFERS SUSPENDING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE COUNTERVAILING DUTY ORDERS ON PURE MAGNESIUM AND ALLOY MAGNESIUM FROM CANADA FOR THE PERIOD 01/01/2003 THROUGH 12/31/2003 PRODUCED OR EXPORTED BY MAGNOLA IS LIFTED.

FURTHER, AS A RESULT OF THESE ACTIONS, NO AMENDED FINAL RESULTS OF THE 2003 ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDERS ON PURE MAGNESIUM AND ALLOY MAGNESIUM

FROM CANADA WERE PUBLISHED. THEREFORE, THESE INSTRUCTIONS PROVIDE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF PURE MAGNESIUM AND ALLOY MAGNESIUM FROM CANADA FOR THE PERIOD 01/01/2003 THROUGH 12/31/2003.

2. THE NET SUBSIDY FOR MAGNOLA METALLURGY INC. ("MAGNOLA") (C-122-815-003) WAS FOUND TO BE 5.40 PERCENT AD VALOREM FOR THE PERIOD 01/01/2003 - 12/31/2003.

3. ACCORDINGLY, YOU ARE TO LIQUIDATE AT 5.40 PERCENT OF THE ENTERED VALUE ALL SHIPMENTS OF PURE AND ALLOY MAGNESIUM FROM CANADA PRODUCED OR EXPORTED BY MAGNOLA ENTERED ON OR AFTER 01/01/2003 AND ON OR BEFORE 12/31/2003.

4. THE ASSESSMENT OF COUNTERVAILING DUTIES BY U.S. CUSTOMS AND BORDER PROTECTION (CBP) ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE

CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED COUNTERVAILING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

5. THE SUSPENSION OF LIQUIDATION ORDERED FOR THIS MERCHANDISE ENTERED ON OR AFTER 01/01/2003 AND ON OR BEFORE 12/31/2003 IS LIFTED.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY (O1: AM).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

DAVID M GENOVESE

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party